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Running head: Detective decision-making in attempted rape

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attempted rape

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Abstract

Police decision-making in rape cases is poorly understood, despite high levels of attrition for rape and sexual assault cases, with up to 75% lost at the investigation stage. A qualitative analysis was undertaken of the comments of 22 British detectives as they conducted a ‘virtual investigation’ of an allegation of attempted rape of an adult female. Material was ‘drip fed’ to detectives in a simulation exercise and officers were asked to express their thoughts as they processed each document in the ‘investigation’ in order to evaluate detective decision-making. It was anticipated that this method would shed light both on the dynamic nature of detectives’ thinking during an investigation and on variations in perception of the same material by different officers. It was found that the alleged rape victim was perceived primarily as a source of information to progress enquiries, with her welfare needs taking second place. Whilst some police officers’ revealed sceptical attitudes to rape allegations, the investigative approach that all took was professional and pragmatic, ‘investigating’ the report as true and focusing on corroborating the victim’s account. The balance between the needs of the victim and the needs of the investigation is discussed, with implications for rape survivor support.

A means to an end? Victim perception and detective decision-making in a simulated investigation of attempted rape

The investigation of rape and sexual assault is a particularly complex and controversial area of police work. Recent figures suggest that between a third and a half of prosecutions in England and Wales result in a conviction for rape or a lesser offence (Stanko, Norman & Wunsch, 2007; Stern, 2010). However, most rapes and sexual assaults go unreported to the police, and the majority of those that are reported do not get as far as court (Feist, Ashe, Lawrence, McPhee, & Wilson, 2007; Her Majesty's Inspectorate of Constabulary and Her Majesty's Crown Prosecution Service Inspectorate [HMIC/HMCPsi], 2007; Kelly, Lovett, & Regan, 2005; Stanko et al., 2007).

The high rate of attrition at the police investigation stage has been a consistent finding and cause for concern for many years in Europe, North America and Australasia (Grace, Lloyd, & Smith, 1992; Gregory & Lees, 1996; Horvath, Tong & Williams, 2011; Jordan, 2004a; Kelly, 2010; Kelly et al., 2005; Kerstetter & Van Winkle, 1990; Lafree, 1981; Lea, Lanvers, & Shaw, 2003; Patterson & Campbell, 2010). In recent years, reforms to the way sexual assaults have been investigated and prosecuted have been instituted in several countries (Clay-Warner & Burt, 2005; Jordan, 2004a; Temkin, 1999), including, in the UK, changes to the law, enhanced training and formal guidance, and the establishment of specialist units in the criminal justice system (for a review, see Horvath et al., 2011). However, a recent review of the investigation and prosecution of rape and sexual assault in the UK noted that now: "The policies are not the problem. The failures are in the implementation" (Stern, 2010, p. 8; see also Brown, 2011).

The focus of the current paper is one aspect of implementation: investigative decision-making. Empirical research on variations in the detection and conviction rates for rape between police forces in England and Wales supports Stern's assertion that policy implementation is patchy. UK Government researchers reviewed the police investigations of 600 rape reports in eight forces (Feist et al., 2007), whilst another study examined both the investigation and prosecution of rape based on 750 reports over seven force areas¹ (HMIC/HMCPSI, 2007). Both studies revealed that rates of attrition varied across force areas throughout the progress of cases, from differences in decisions about whether to 'no crime' an allegation (i.e., to record that no offence had taken place) to differences in detection rates and charging decisions.

Feist et al. (2007) found 70% of cases were lost between the victims' allegation being recorded and a suspect being charged, yet in nearly 90% of cases suspects had been named by the victim. The most common reasons for attrition at investigation stage were the victim withdrawing her complaint (35% of cases in which an offence was recorded as taking place) or the police finding insufficient evidence to charge a suspect (40%). However, Feist et al.'s (2007) analysis revealed regional variations in the number of cases in which a victim withdrew her complaint and found that low rates of victim withdrawal were associated with higher conviction rates. The analysis indicated that this variation could not be accounted for by regional differences in the characteristics of reported rapes, suggesting that the conduct of police investigation may have a measurable impact on both the number of rapes that led to an arrest and/or charge, and those that result in a conviction. This conclusion was supported by HMIC/HMCPSI's (2007) finding that an increase in detection rates in one force area "ran parallel to improvements in

¹ Although the force areas studied in the HMIC/HMCPSI (2007) report were identified, Feist et al. (2007) anonymised their data, meaning that it is not possible to judge the degree to which the two samples overlapped.

investigation standards... as well as to more robust management of cases and monitoring of performance” (p.48). Both reports indicated that the manner in which police officers investigate crimes may have a critical impact on criminal justice outcomes. Their findings echo those of previous researchers in the UK and internationally (e.g., Frazier & Haney, 1996; Kelly et al., 2005; Kerstetter & Van Winkle, 1990; Soulliere, 2005).

Organisational factors are clearly important. The existence of Sexual Assault Referral Centres, where victims are examined in a sympathetic environment and can access medical and psychological care (Lovett, Regan, & Kelly, 2004; Campbell & Patterson, 2011), the quality of police training, the presence of specialist officers and robust management and supervision are factors that may enhance the victim’s experience and the effectiveness of evidence-gathering. Similarly, the presence of rape victim advocates appears to improve the experience of victims, including the extent to which they were negatively treated by officers (Campbell, 2006). Scepticism towards sexual assault allegations can have a negative impact on attrition (Kelly et al., 2005). Victims anticipating police scepticism can be an effective barrier to a victim reporting a crime in the first place (Gregory & Lees, 1996; Kelly, 2001; Kelly et al., 2005; Lievore, 2003) and increase the likelihood of later victim withdrawal of the allegation (Temkin, 1999). From the alternative perspective, detectives’ scepticism may cause them to ‘no crime’ an allegation, to conduct a substandard investigation in which potential evidence is lost (HMIC/HMCPSI, 2007; Kelly et al., 2005) or to persuade a victim to withdraw her allegation (Kerstetter & Van Winkle, 1990).

Notably, victim credibility is a recurring theme in the rape investigation literature. The 2007 HMIC/HMCPSI review found that around a third of rape allegations was categorised as ‘no crime’ but, of these, a third were incorrectly ‘no crimed’ based on assumptions detectives made

about the victim's credibility and the veracity of the complaint. False allegations accounted for less than half of the correct 'no crimed' reports and around 10% of total reports. Similar false allegation figures have been reported (Feist et al., 2007; Kelly, 2010; Stanko et al., 2007), although some have argued that the true figure may be lower still (Kelly et al., 2005). Despite this, researchers continue to find that criminal justice professionals (including police officers) persistently estimate the prevalence of false allegations to be much higher (Brown, Hamilton, & O'Neill, 2007; Burt, 1980; DuMont, Miller, & Myhr, 2003; Horvath et al., 2011; Jordan, 2004a; Kelly, 2010; Lafree, 1981).

In summary, despite reforms in the way in which victims are treated, attrition rates remain high and variable between forces. Organisational factors undoubtedly account for some of this variation, but a more detailed understanding of how organisational and cultural factors impact on and interact with individual detectives' decision-making and strategising would provide a richer basis for understanding and addressing how such attrition occurs.

The current study

The focus of the current study was how a detective's perception of a victim influences decision-making during the investigation of sexual assault. Investigative sense-making is a dynamic process, with a detective's understanding of an investigative incident changing as new information comes to light or previous information proves unreliable (Ormerod, Barrett & Taylor, 2008). Because decisions are made on the basis of a mental representation of the decision situation, the way in which an officer constructs that representation (i.e., makes sense of the situation), including how they perceive the victim, will influence the investigative decisions they make, and may lead to different lines of enquiry being pursued or dropped. An appreciation of the part a sexual assault victim plays in detectives' sense-making may, therefore, illuminate how

and why particular decisions are made in such cases, which in turn may enhance our understanding of the sources of attrition in sexual assault investigations.

Researching sense-making is difficult because mental representations are, by definition, unobservable, and thus difficult to operationalize and measure. Furthermore, as with other real-world decision environments, factors that impact on decision-making are interconnected, and isolating single variables may be neither possible nor desirable (Rohrbaugh & Shanteau, 1999). Being able to capture the dynamic and complex character of detective sense-making in a way that allows generalisations to be made about critical issues is a challenging task. One method for studying such complex processes in a systematic manner is to create what Gray (2002) refers to as “controlled complexity” with a simulated task environment. In a simulation study, participants are asked to react to a series of stimuli as if dealing with them in real life. Information can be presented in the form of documents, video and audio material, computer displays or a combination of methods. Depending on the research question, the amount of intrusion from the researcher can range from simply observing as the simulation plays out to asking focused questions throughout the exercise. Although simulated task environments have been used with some success in decision-making research elsewhere (e.g., Cannon-Bowers & Salas, 2000), the use of simulations to explore police decision-making is rare. To our knowledge, no published study has yet featured simulation methods to explore detective decision-making in rape and sexual assault investigations.

A simulation study has limitations. In particular, it is impossible (for both practical and ethical reasons) to replicate the complexity and scope of a real investigation, so potentially important factors, such as input from colleagues, time pressures and victim response, are neglected. Furthermore, what participants *say* they would do is not necessarily what they would

actually do in a real investigation. On balance, however, the limitations of the proposed method are outweighed by the advantages, particularly for exploratory research.

In this study, material relating to an investigation of an allegation of sexual assault was ‘drip fed’ to detectives in a table-top simulation exercise. Guided by a lightly structured interview protocol, a researcher invited officers to express their thoughts as they processed each document in the ‘investigation’. It was anticipated that such a method would shed light both on the dynamic nature of detectives’ thinking during an investigation and on variations in perception between different officers presented with the same material.

Method

Participants

Data were gathered in a medium-sized police force in the South of England. Volunteers from the pool of detectives in the Criminal Investigation Department were sought via email from a senior officer in charge of criminal investigations. Although 34 officers volunteered, 12 later dropped out because of operational commitments. It proved impossible to gather further details of these officers or reschedule the interviews.

The remaining 22 officers, 20 of whom were male, ranged in age from 28.9 to 49.2 years ($M=41.7$, $SD=6.7$). Six were Inspectors, nine were Sergeants and seven were Constables², serving in a dozen different locations throughout the force area. On average they had 20.9 years’ police experience ($SD=8.1$, range 8.2 to 33.0) and varying levels of experience of investigating serious crimes ($M=13$ years’ detective experience, $SD=7$ years), including sexual assaults.

Materials

The details of the scenario clearly have an important bearing on the results of the study.

² In the UK police, Constable is the most junior rank, followed by Sergeant and Inspector in ascending seniority.

Given the exploratory nature of the study, it was decided that it should be clear from an early stage that a sexual assault had indeed been perpetrated, and that the scenario should avoid factors (such as a victim under the influence of alcohol or drugs, with mental health issues, being a repeat complainant or delaying the reporting of the assault) that have been shown to undermine perceptions of victim credibility (e.g., Jordan, 2004a,b).

The exercise involved a report of attempted rape and was based on a real case that had been developed for use as a police training exercise in a different force area. Case materials had already been edited by police trainers to make the case suitable for a training exercise³ and were further selected and edited by the first author in collaboration with a police trainer to create a smaller set of key documents. This information was arranged in chronological order and grouped into sets of one, two or three documents, varying in length from a few hundred to more than 1200 words (see Table 1). These included relevant and irrelevant material, as in a real investigation, with as much detail as possible preserved. While this inevitably made the scenario less easy to control, it allowed for a degree of fidelity to be retained.

The investigation followed a report by a woman that someone had attempted to rape her. The victim and her boyfriend had been taking a Sunday lunchtime walk in an orchard in a farming area on the outskirts of a medium-sized town, but after an argument the woman continued on the walk alone. She claimed that she was subsequently attacked by a male stranger. The officers received statements from the victim, her boyfriend and a local man who had disturbed the attacker. As time went on, officers received information from members of the public and other officers. These included details of an unsolved indecent exposure in the area and

³ Because access to the original case papers was denied it is impossible to say exactly how the documents were edited by the police trainers. However, discussion with the trainers indicated that apart from editing the victim's statement for length, the documents were largely untouched, to enhance the realism of the exercise.

of a recently released rapist who used similar *modus operandi* to the man who attacked the current victim. House-to-house enquiries also yielded sightings of a running man and a van driving away at speed, and a 'scenes of crime' report detailed items found near the crime scene. The victim later revealed that she suspected her ex-boyfriend, who had a record of petty criminality, of previously sending her abusive letters. Further enquiries provided more information from the public about vehicles and suspicious individuals. The final document reported that a man had been arrested for the crime and gave the results of a search of his house.

Procedure

The first author interviewed participating officers individually on police force premises. Each was asked to imagine he or she was the Senior Investigating Officer (SIO) in charge of investigating a report of attempted rape. Case information was released to officers in eleven phases. In each phase, material from the investigation was presented in sets of one, two or three documents (Table 1). Officers took as much time as needed to read and digest the reports and then answered the interviewer's questions: (a) What are your thoughts at this point? (b) What do you think has happened? (c) What are your thoughts about the offender, if any? (d) What would your actions be, as SIO?

The interview was stopped at the final document or when the officer had to leave for other commitments, whichever was the sooner. In total, 15 (68%) finished the entire study, with seven leaving before the final documents. On average officers took 108 minutes to complete the study (range 72 to 152, SD 19 minutes). Finally, officers were asked a series of demographic questions and gave a brief career history.

Analysis

Interviews were transcribed in full and analysed using a general inductive approach

(Thomas, 2003), facilitated by the qualitative data analysis software NVivo 7. This began with the coding of all mentions of the victim. Text within this high level category was then scrutinised and codes developed as they emerged during successive readings of the text. These codes were then combined into meaningful higher level categories which formed the basis of the thematic analyses presented below. For example, the comment “I think the boyfriend might test her account to a degree and hopefully that will corroborate her story” (Participant 14 [P14]) was coded as *Corroboration Boyfriend*, which was grouped with references to other potential corroborative information to create the category *Clarify and Corroborate*, which in turn was subsumed into the higher level category *Genuineness*.

Results

Two main themes with four and two sub-themes respectively were identified (see Table 2). The victim was most relevant to the officers’ decision-making in the early stages of the ‘investigation’ when she was perceived primarily as a source of information, either directly via her account of the incident or indirectly via her forensic examination. The welfare needs of the victim took second place to her role as a source of information, with officers describing a ‘balancing act’ between the welfare needs of the victim and the broader needs of the investigation (see Table 2). These themes and sub-themes are explored further below.

Theme 1: Victim as a source of information

When discussing the actions they would take in the initial stages of this simulated investigation, officers relied heavily on the victim’s statement and the results of her forensic examination to develop lines of enquiry, for example: “[We need] to get as many of the facts relating to the alleged incident as quickly as possible and... the alleged victim is the main direction we've gotta get the information from” (P4).

Clarification and corroboration of the victim's account. The initial report in this investigation was a telephone call from a retired army colonel on behalf of the victim and ten of the 22 participants explicitly referred to the importance of hearing the account from the victim, rather than third hand; for example: “You can get all sorts of weird and wonderful situations... you really need to speak to the victim... because it might be a totally different story” (P16). Officers also stressed the importance of clarifying the exact nature of the allegation. Incidents reported as crimes often turn out to have different explanations and an early task in any investigation is to establish whether a crime has actually occurred and, if so, exactly what that crime is. One possibility, alluded to by two officers, is that the offence might in fact go beyond attempted rape: “It may be that ... the victim doesn't want to say to them that she has been raped. It may be much more serious” (P18). P3 commented: “[It's] worded as ‘tried to rape her’ so I'd probably seek clarification as to how far that attempt has gone, because it may transpire that it's an indecent assault or ... that it is in fact a rape”.

All officers referred to the importance of opportunities to confirm the victim's story. Their initial lines of enquiry focused on gathering information that would allow them to confirm her account, and they actively sought corroborative evidence. **Corroboration** is important to satisfy investigating officers that they are dealing with a genuine offence and some officers had resource implications in mind: “Before you start deploying ... these expensive resources you would want to be looking... for verification” (P7). As with any crime, corroboration also helps ensure that investigators are not misled because a victim or witness has made a genuine mistake about a crucial detail. For example, “Sometimes people can get descriptions very wrong when something traumatic has happened to them but the balaclava and green jacket had been confirmed by second person, I am now happy that those things are correct” (P9).

Forensic examination (see below) was perceived as crucial, as was the evidence of witnesses who provided information to substantiate the victim's claims. For instance, P7 noted that the colonel reported seeing the victim getting dressed and heard her call for help, "so straightaway, big sigh of relief ... yeah this has definitely happened... he is corroborating her account quite nicely." Similarly, P22 observed that the victim's boyfriend and the colonel were "excellent quality witnesses ... they've covered everything ... they both clearly corroborate fully... the incident...I don't see any major anomalies". Like P7, other officers expressed satisfaction when corroborative information was provided: "I'm glad ... from the victim's point of view that someone was in the forest at the time. Everything is really corroborating her recollection very accurately, her version of events. I'm pretty pleased" (P10).

Detectives also sought corroborative evidence in anticipation of later challenges from the prosecutors or in court. The issue of corroboration was thus bound up with the issue of establishing both whether the victim's allegation was true and whether others would view it as such. "Sometimes, somewhere down the line there are discrepancies between the account that she's given to the police and the account that she's given to other witnesses and that may be a cause for concern" (P3).

False allegations. After reading the initial report of the incident (the first document) three officers stated that they would entertain the hypothesis that this was a false allegation, alongside other hypotheses (e.g., that the complaint was genuine). However, corroborative information allowed them to begin to eliminate this as a hypothesis, for example:

"We have now considerably more than just the account of what the girl could tell us... we have some corroboration to what she's saying and therefore there is a clear indication that a serious offence... has taken place against this victim in the circumstances as she

describes.” (P13).

Although they did not say that they had suspicions about this specific incident, six other officers did raise the general issue of false allegations after reading the initial statements, e.g., “I’ve dealt with, must be over 100 [reports] over 13 years? I don’t know how many. The majority of those have been very grey, a large number of those haven’t happened” (P5). Another officer commented that “it does happen, people do make false allegations and spark off huge investigations when they are found to be totally false and malicious for whatever reason” (P7). Thus, although not making specific assertions about this report, the possibility of it being false was clearly in mind.

Others reserved judgment on the incident until they had read the victim’s statement, which some officers then drew on to elaborate ‘false allegation’ hypotheses. In particular, part of the victim’s account where she recalled that her boyfriend had become angry after he asked her to move in with him and she had said ‘no’, led to the hypothesis that the victim had argued with her boyfriend and was now ‘attention seeking’, hinted at by two and stated explicitly by four officers. For example:

“This business of... the row with the boyfriend and him running off and then this incident occurs... that can happen ... people do seek attention after they’ve had a falling out with a boyfriend and then lo and behold. ... the cynics could say ‘oh it’s to do with this bust up’...” (P16).

Therefore, in this study, officers directly suggesting a false allegation hypothesis were in the minority, but comments from some suggested that such views might be more widespread in their force. For example, P15, one of the two female officers interviewed, remarked that: “cynical people in my office would say she had a row with her boyfriend and she’s asking for

attention”. A Detective Inspector (P17) commented that he would keep any doubts to himself rather than sharing them with the investigative team and another (a Detective Inspector) commented similarly both on his own prejudice and that of those he had to manage: “The officers who are gonna be dealing with this, unfortunately they will jump to ‘has the girl made it up’ ... those prejudices are there a little bit in the back of my mind” (P21). It is possible that these officers were attempting to distance themselves from their own sceptical views by attributing them to ‘cynics’, but other participants may just have been trying to raise the interviewer awareness that such views are still held within the police.

The victim’s character also featured in comments relating to credibility. One concern was whether the victim had made previous complaints of rape. This was mentioned explicitly by four officers, of whom two linked the issue to mental health concerns, e.g.: “I’m assuming we’re not dealing with someone who perhaps might have mental health issues? We need to check her on our databases to make sure she hasn’t made complaints before” (P7). Another officer asked “what is this person like? I get the feeling that she’s sensible” (P4). Although not widespread, comments about the victim’s character suggest that for some officers repeat allegations, mental health issues and not being ‘sensible’ may signify an account with diminished credibility. Repeat complaints do not always signify false allegations, however:

“I would probably be looking at a victim profile ... to see if she’s got any history of previous complaints... if there’s any history of domestic violence between herself and her boyfriend, because it may transpire that the offender is the boyfriend, and she’s fearful of identifying [him]... especially if he’s physically present.” (P3).

In explaining why they were inclined to believe the victim in this case, some officers gave insight to beliefs about ‘real rapes’ and ‘grey areas’. The report that this particular victim

made was different, some argued, to alleging rape after being “very drunk in a bar” or “in the back of a taxi”; “making things up because of a breakdown in a relationship”; having an “argument at a nightclub and then boyfriend goes off and then two hours later, you know, something unfortunate's happened”; or “classic... consent sex which is reported as rape”.

Officers also made several comments that hinted at what they considered to be the cues to ‘genuine’ rapes, including having torn clothes and injuries and appearing distressed. However, officers were aware that they could be mistaken:

“I've had some that, you say to me 'has this happened?' and you go ‘absolutely no way, it's so bizarre, so weird’... and they turn out to be genuine. And I've had other ones that look like absolutely genuine ones that turn out to be false and malicious.” (P5).

Few commented on what they would do if an allegation turned out to be false, although one who did indicated that even if a victim had lied about the circumstances of a sexual assault it did not necessarily mean that the allegation was entirely false:

“...when you get to the stage where you can disprove it, that's when you go back to the victim, you don't beat them up over it - verbally beat them up over it - you say, you said this and we've discovered this. You say you don't know this person but we know that you were actually very drunk in the bar and in fact you had your top off and you were doing this – it doesn't make it right if it's happened, but you haven't been truthful with us, now please be truthful with us.” (P5).

In summary, officers continued to consider alternative hypotheses to account for the information they received and to weight the evidence for or against each one throughout the ‘investigation’. However, issues relating to the victim’s credibility generally only arose in the early stages. Beyond the third phase of the ‘investigation’, comments about credibility were

restricted to four officers who made some remarks, two of whom entertained the possibility that this might be a false allegation. Notably, though, these four officers represent 18% of the sample, i.e., nearly one in five of the participants continued to hold issues of false allegations uppermost in their mind even in a case which was relatively clear-cut.

Pragmatic investigation. Regardless of the hypotheses they later considered, when asked ‘what are your thoughts?’ on reading the first report, almost all participants started by detailing (often extensively) the actions they would take to secure the scene of the attack and to ensure the victim and other witnesses were located and interviewed. When asked what they thought had happened, no officers suggested treating the allegation as false from the start, taking no action, or rejecting the complaint and two felt that the claim that the victim had endured an attempted rape was unequivocally true, for example.: “Right away I feel it is a genuine allegation... it's completely serious and something that we need to get to grips with” (P17). Of the rest, 16 participants either stated explicitly that they had an open mind about the circumstances of the incident and/ or claimed that they would investigate the report as if it were true until proven otherwise, e.g.:

People don't say ‘an alleged house burglary’. People accept it as a reported house burglary. I hold the same terminology to do with sexual assault. This is a reported sexual assault. It's not alleged, it's a report and we will deal with it on that basis and I would deal with it ... as it being, at this stage, as a true and accurate report. (P11)

A practical reason for treating the allegation as if true from the start was to ensure that any forensic evidence is gathered as soon as possible, both from the scene of the attack and from the victim herself: “Initially with anything like this... It's the ‘what might we lose’ scenario” (P15). Every officer responded to the initial report by stipulating that places where forensic

evidence might be found should immediately be identified, protected from ‘contamination’ and examined. Regardless of what detectives felt might have happened, preservation of forensic material was clearly perceived as an essential task:

The thoughts that you've got in your own mind, you keep them in your own mind, you still go through the process, because if you don't go through the process, you can't go back... you get one go at securing and preserving evidence in sex cases and if you don't take it you can't go back. (P5)

Even from the initial stages of the investigation, officers also had an eye to an eventual prosecution: “My experience shows that with this sort of thing the sooner you can nip it in the bud, identify the offender as soon as possible, then forensic evidence is stronger, it makes life much easier for securing a conviction” (P10). The preservation of forensic evidence was particularly crucial when the source of that evidence was the victim herself.

Victim as source of forensic evidence. Ten officers referred to the victim explicitly as a ‘scene of crime’ to be treated in the same way as the physical location that the attack took place, although one officer cautioned, “the victim is a scene, although obviously I wouldn't want her to know that” (P22). The other officers stopped short of applying the ‘scene’ label to the victim, but nevertheless described how they would instruct forensic investigators to examine her. The description of the victim as a ‘scene of crime’ depersonalises her and highlights her functionality. A victim can refuse to volunteer forensic information by withholding consent for a forensic examination. However, once she has consented, as a ‘scene’ she becomes a thing that has to be ‘preserved’ and searched. Comments about the victim’s ignorance of her forensic value emphasised her passivity: “sometimes he could've ejaculated almost immediately and she's just not aware of that” (P21).

Unlike a statement, forensic evidence is not something the victim generates, but is provided by virtue of her contact with the offender. It includes particles from the offender's clothing or body, including the offender's semen (described euphemistically by P10 as "DNA debris") and such evidence can be found in many different places:

"We're still looking at, in this DNA-aware world, of DNA potential on anything that he's touched which would certainly be all of her outer clothing and potentially her knickers too and certainly the shoes and depending on the shoes if they're patented or particularly clean you might even have a fingerprint potential there, so the correct preservation and packaging of her clothing is absolutely essential" (P7).

Many of the actions to recover forensic evidence are routine and at first glance it appears as if officers were simply going through a 'check list' of actions to preserve a scene and gather evidence. Closer analysis reveals that when considering forensic evidence, most of these officers thought in terms of the opportunities for collecting such information and the ways in which the integrity of that evidence could be threatened, as illustrated in P3's comments:

"Her person is a forensic scene so you've got the scenes of crime and the medical examination of her...preservation of...any other secondary scenes... so if the first thing that she did when she got home was to sit on the sofa, and has remained there since or has got up about walked about you may have a transfer of material onto there, so you may have a second scene, or a third or a fourth. And that scene also may be a person, if the first thing she did when she came home was to give her mum a big hug, or her boyfriend, then I'll be seizing their respective clothing."

Several officers demonstrated that they were not completely oblivious to the victim's feelings. For instance, P5 commented: "First scene is the victim... so she has to be preserved.

Sounds a bit technical, clinical, that ‘she has to be preserved’” and P11 maintained that “I don’t like to be sort of too ‘police-y’ when I speak, but clearly with forensic recovery from [the victim], that’s a...very important crime scene”. P7 summed up the dilemma thus: “The balancing act is the needs and the feelings of the victim against the need to recover... DNA evidence and that sort of thing”.

Theme 2: Welfare and support

This theme had two sub-themes: welfare as secondary and balancing act. Explicit demonstrations of victim empathy were rare: just four participants mentioned how the victim might actually be feeling and two others made a cursory reference to her likely distress. A striking comparison is between P12, who described how he would “take a quick statement from her... and then consider giving her, you know, the old forensic treatment at the [Rape] suite” and P13, who explained: “My first concerns are for... the victim, to make sure that she is accurately resourced by the Police service... I would hope that... the [Specialist Investigation Unit is] trained to have a compassionate approach to her needs”. (These officers both had more than 20 years’ police experience, indicating that length of experience and concern for victims are not necessarily related.)

Welfare as secondary to the needs of the investigation. The detectives’ consideration of the victim’s welfare and support needs took second place to their view of her as a source of information. Of the 22 interviewees, six (including the two female participants; 27%) did not raise issues relating to victim welfare at all (in contrast to all 22 participants who discussed her forensic potential, often at great length). Of those 16 officers who did mention welfare, few paid more than cursory attention to the possibility that the victim might be traumatised and in need of emotional support, and most mentioned the desirability of having specialist staff to perform this

role.

Officers frequently linked victim welfare to the investigative possibilities afforded by such welfare support, perhaps more than for the purpose of supporting the victim. Eleven officers said that they would require another officer to ‘take care’ of the victim, of whom three expressed a desire for the officer to be specially trained, while acknowledging that (at that time) it was rare to have such trained officers available. But for these detectives, the officer allocated to the victim was there also (perhaps, primarily) to ensure that mistakes in forensic capture were avoided and that a full account of the incident was obtained. For example, P17 described how the rapport built up by the victim liaison officer would be helpful when it came to persuading the victim to identify the knife used in the attack, a task which might otherwise be too traumatic to attempt. P9 explained that a priority action in the early stages of the investigation was to:

“Establish exactly where the scene [of the attack] is, so I would be asking the WPC [woman police constable] who took the statement and who has probably formed a relationship now with the victim of this crime if she can persuade her to go back to the scene of the crime.”

However, although officers did not all comment on the victim's emotional needs, many made reference to the brutality of the alleged crime and the seriousness with which they intended to investigate it. But some interviewees stated that police officers are not usually directly tasked with responsibility for victim welfare:

“...my staff ... albeit working with [the victim] in a very supportive role ... the focus of their role within this is one of being a police investigator ... there are many, many agencies outside who are much, much better equipped than we are within the police in terms of providing people with... proper professional... support and care.” (P11).

Thus, perhaps officers feel more comfortable handing victim welfare over to another agency or individual so that they can ‘concentrate’ on the investigative aspect of the case.

Balancing act. Several officers mentioned explicitly the delicate balancing act between meeting the needs both of the victim and the investigation. One explained the requirement for “a compassionate approach to her needs and also an acute awareness to the needs from the forensic gathering process to go with that” (P13). Another officer said: “there's a balance to be held here between the needs of the police inquiry and the needs of the victim and that's something with which I personally can't lose sight of” (P11). Emerging from these and similar comments was a sense that the officers’ duty to the victim could best be discharged by conducting a thorough investigation, in particular, by ensuring the effective capture of relevant evidence. This aspect of the detectives’ duty to the victim is perhaps best expressed by officer P13:

“I have a number of lines of inquiry ... and above and beyond all of this I have an ongoing interest in the victim in terms of her well-being and the ongoing support she can receive from the investigating officers and hopefully to ensure that her and her family maintain confidence in my investigation.”

Thus, whilst some may not think about victim welfare, others may feel ill-equipped or that their role is distinct from that aspect. Indeed, it may be that they find it easier to investigate the case if they see the victim as a ‘case’ rather than as a person, almost moving ‘beyond’ the victim as the case progresses.

Changing perceptions of the victim

One of the advantages of the current research design is that it allows the tracking of changing perceptions over time. The victim was paid most attention in the early stages of the investigation, when progress depended on eliciting detailed information about the alleged

offence, either directly (via her statement) or indirectly (via forensic material). However, as the investigation progressed she assumed less importance: once she had been debriefed and forensically examined she was no longer uppermost in detectives' minds as a useful part of the inquiry. Not only did references to the victim as a source of information drop off, allusions to her welfare also dwindled rapidly. In investigative terms, her welfare was of little further interest to detectives once she had been medically examined.

Discussion

In this simulated investigation of an attempted rape, two key themes were found: the victim as a source of information and the role of the police in victim welfare. These officers viewed the victim primarily as a source of information and, whilst most showed some awareness of victim welfare, for many this concern was (at least in part) in the context of their attempts to secure information from the victim. Many felt that victim welfare was something that should be undertaken by another person or agency. Implicit in their comments, and made explicit by some officers, was the concept of a 'balancing act' between the needs of the victim and the needs of the investigation, but notably the victim was referred to less and less as the 'investigation' proceeded. These ideas will be explored in turn.

Prejudice or pragmatism?

The victim's first account of any incident, particularly an allegation of rape or sexual assault where witnesses to the crime are likely to be absent, provides a framework for initial investigation and a story to be corroborated or disproved. In evidence-gathering terms, a victim is likely to be able to provide details of what was done or not done during the incident. Crucially, she may be able to identify the offender, or provide descriptive, behavioural or linguistic details that indicate further lines of enquiry. Her identification of the 'scenes of crime' provides

opportunities for forensic evidence-gathering and suggests where witnesses might be found. The credibility of the account is thus central to the investigation.

Thus, a priority for officers was seen as establishing that the allegation was credible and would stand up to scrutiny. As demonstrated in the current study, the issue of credibility is multi-faceted: Is the victim telling the truth, or is this a false or malicious allegation? Has the victim reported truthfully but been mistaken in her claim that a crime has taken place? Regardless of the veracity of the account, is it corroborated to a standard that would convince a jury that a crime has taken place in the manner described? Consequently, when detectives make judgments about credibility, they are not only judging whether to believe a victim themselves, but also whether others will believe her. With training and experience, a detective learns what is required to convince the Crown Prosecution Service and, later, a jury of the case against a defendant. They also learn (sometimes the hard way) how potential prosecutions can be jeopardised if police fail to investigate thoroughly from the start. Thus, regardless of a detective's personal belief, 'doing the basics', including testing whether a report of a crime can be substantiated to evidential standards, is an essential part of investigative doctrine (Stelfox, 2009),

Notwithstanding those who expressed attitudes consistent with rape myths and prejudices (see below), officers' approach to this 'investigation' can best be characterised as pragmatic and professional. Actions were taken as if the report were unequivocally true, despite some officers keeping an open mind about its veracity. Generally, officers engaged in an active search for corroboration of the victim's story and were pleased when they found it. This is consistent with Hoyle's research on officers' decision-making in domestic violence cases, which indicated that although many officers expressed exasperation when asked about 'domestics' generally, they nevertheless investigated diligently when responding to a specific incident (Hoyle, 2000). The

danger, particularly in sensitive cases such as rape and sexual assault, is that a pragmatic approach can be mistaken by other officers, witnesses and, most importantly, the victim herself, for lack of trust in the victim. This important issue is worth addressing in training and through workplace mentoring by more experienced peers and supervisors.

Rape myths and false allegations

Approximately one in five officers at some point expressed sceptical attitudes about sexual assault reports and of particular concern are the comments about the scale of false allegations. Several officers referred to unfounded allegations of rape being a regular event, with one officer, for instance, suggesting that “the majority” of rapes he had dealt with being “very grey” and “a large number” having not happened. Another stated that only 3% of rapes had actually happened in the way they were reported. Yet according to recent research, fewer than 10% of reported rapes are false allegations (Feist et al., 2007; Kelly, 2010).

The impact of such beliefs is perhaps demonstrated by a 2004/5 review of the rape detection rate in the police force in which this study was undertaken where a higher than average ‘no crime’ rate was reported (Summerfield & Gill, 2005). Apart from administrative errors, reports should only be ‘no crimed’ if there is evidence that no crime has been committed. However, Feist et al.’s (2007) research revealed that some allegations were being ‘no crimed’ on the basis of detectives’ judgments about victim credibility, or when a victim withdrew her co-operation, neither of which provides verifiable evidence that no crime occurred. Erroneous ‘no criming’ may, as Kelly et al. (2005) and HMIC/HMCPSI (2007) point out, feed the perception among investigators that false allegations are more common than they actually are. That this was occurring in the current force is a matter of conjecture, but it is a plausible explanation for the apparent misperceptions about false allegation rates of a minority of officers interviewed for this

study.

Indifference to the victim's welfare?

The officers' apparent lack of attention to the victim's welfare in this investigation is notable. In part, this finding might be an artefact of the method employed in this research and when an officer deals with a real victim they might be more alert to her welfare needs. Nevertheless, research has historically and consistently indicated sexual assault victim dissatisfaction with the sensitivity of the police (e.g., Jordan, 2004a). However, although this may be a result of widespread police prejudice that there are several other reasons why a detective does not and perhaps cannot put the victim's welfare at the heart of his or her investigation. First, putting the victim's welfare needs above the needs of the investigation may put British officers in conflict with the legal requirement to explore all reasonable lines of enquiry, including that the allegation is false (Criminal Procedure and Investigations Act, 1996). Second, it is increasingly the case that alternative arrangements exist to support victims, with the introduction in the UK of specially trained officers to act as victim chaperones and the establishment of specialist Sexual Assault Referral Centres (SARCs) focusing on victim welfare (Horvath et al., 2011; Campbell & Patterson, 2010; Stern, 2010). Related to this, victims themselves may prefer to have "someone who was 'there for them', whose lack of involvement with evidence gathering meant they had more freedom to respond to each individual's needs and concerns". (Lovett et al., 2004, p.42). Finally, previous research indicates that those who act as victim chaperones may be in danger of 'burn out': (Temkin, 1999) noted that rape chaperones can "emerge as secondary victims in the rape process" (p. 38). The officers' focusing on the victim in a largely functional manner may be part of a necessary coping strategy.

Having said that, there is a body of evidence showing that the way in which detectives

deal with victims can have an impact on victims' disclosure and likelihood of continuing with the complaint (e.g., Campbell, 2006; Kelly, 2010). Training for those investigating and prosecuting rape now addresses negative attitudes, which, even if not explicitly stated, are likely to influence the success of the investigation. SARCs have been established in most force areas in England and Wales, and there is evidence that police have become more aware of victims' needs (HMIC/HMCPSI, 2012). This is important progress; further research will be necessary to test whether these measures are having a demonstrable impact on the investigation and prosecution of sexual assault offences.

Rank, experience and gender

During the analysis, extensive examination and comparison of transcripts indicated variation between participants in their sense-making and decision-making, as illustrated in the results above. However, this variation did not appear to be related to rank, age, years of experience or gender. The two female detectives in this sample, for instance, showed no more (or less) interest in the victim's welfare than many of their male colleagues, and officers with 25 years' detective experience were as likely as those with two to make comments relating to the credibility of the victim's account. In the debrief after the study, all participants reported that they had worked on similar cases, although some Constables had not taken the role of SIO (they had nevertheless worked alongside more senior officers to investigate stranger sexual assaults). Despite this, no strong differences were noted between Constables and higher ranking officers in the way in which they perceived the victim.

The lack of clarity in relation to the source of individual variation may be a consequence of the study design and relatively small sample. A larger sample and/or a more structured approach may clarify the impact of factors such as rank, experience and gender. Alternatively, it

may be that other factors account for variation between participants, for example, the specific nature of a detective's previous experience⁴, training and mentoring, personality or cognitive traits. The source of individual differences in detective sense-making in sexual assault cases remains open to further investigation.

Validity of the results

The method used to elicit detectives' thoughts on the investigation of sexual assaults has limitations. Although more realistic than pen-and-paper vignette studies, our approach cannot replicate the complexity and scope of real investigations and the generalisability of results is consequently limited. Furthermore, in studying decisions made by individual officers, some important social-psychological issues are neglected, including the way in which peers and managers might influence detectives' decisions. We consider nevertheless that our novel approach has shed new light on the way in which detectives manage the investigation of sexual assault.

A particular threat to validity is attempts by participants to manage the impression they made on the (female) interviewer. Police officers are aware that the investigation of rape is a controversial area and some participants made comments that indicated that they were trying to control what they revealed about their attitudes. For instance, one, having stated his opinion that 95% of reported rapes were false allegations, concluded "[I] wish I hadn't started talking about my views". Another officer talking about the offender's actions said "...if this was an attempted rape ... there's potential that next time will be a proper - that's a slip of the tongue... a completed offence next time". This officer's rapid self-correction probably stems from an awareness of the controversy about designating reports as 'proper rape' versus 'not really rape' (DuMont, Miller,

⁴ For instance, in future studies, participants could be asked to estimate the number of sexual assault investigations they had worked on.

& Myhr, 2003). Others followed up comments about false allegations by excusing themselves as being an “old sceptical sort of police officer” or distanced themselves from such attitudes (“cynics would say...”). Such attempts to ‘impression manage’ suggest that beliefs about false allegations were probably more common than these detectives were prepared to admit. The interviewer, although not a police officer, has worked with the police for several years. Her familiarity with police culture meant that she was able quickly to develop rapport with the interviewees, which created an atmosphere of trust. This may have mitigated some of the potential effects of impression management, although being something of an ‘inside outsider’ means also being mindful of the dangers of being favourably biased towards the police (Reiner, 2000).

Conclusions

This study has enhanced understanding of police perceptions of victims in sexual assault investigations. The results offer collateral for previous findings that victims feel they are neglected by the police after the initial stages of an investigation (Temkin, 1999), but also provide insight to the reasons why this might be the case. In particular, this research supports Martin’s (2005) argument that the role of the police as investigators makes it difficult or perhaps impossible for them to offer a high standard of victim care. In this study, officers felt that the victim was best served by a thorough investigation. But Temkin (1999) wrote of the victims she interviewed for her study: “what mattered most was to feel that they were believed, to feel that the police actually cared about them as individuals rather than seeing them as a means to an end, to retain some contact with the police and to be kept informed of developments” (p.35). The current study highlights several areas where enhanced training and ongoing monitoring and mentoring of detectives may be beneficial. However, our results also suggest that the structural

features of their role mean that investigating officers may not, and perhaps cannot, serve both the interests of the victim and conduct an effective investigation. If this is indeed the case, the introduction of specialist facilities is essential to ensure that victims feel that they are more than 'a means to an end'.

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Table 1.

Summary of materials presented in simulated investigation

Phase	Document	Details of documents presented
1	1a	Brief orientation to the fictional force area, including maps.
	1b	Initial report of the telephone call reporting the attack.
2	2a	Statement of the victim, and a map showing her route.
3	3a	Statement from retired army colonel who interrupted the attack, and a map showing his route.
	3b	Statement from victim's boyfriend.
	3c	Statement from the doctor who examined the victim.
Verbal update		There has been a media release, which states: "There has been an indecent assault on a young woman in the orchards at Summersby. Police are worried that the offender will strike again. Anyone with information is urged to call."
4	4a	Summary of messages received: report of a stolen vehicle; eyewitness report of a running man near the scene; report from a police officer about an historic indecent exposure in the area; a call from an historic rape victim who claimed her attacker was recently released from prison.
	4b	Results of the forensic examination of the scene of the crime, with diagram showing the location of items recovered.
5	5a	Results of local enquiries: eyewitness reporting a blue van driving away at speed; statement from a local farm owner reporting the recovery of a car

from outside his property; detailed account from the eyewitness from phase 4; statement from a second farmer (William Samuels).

- 5b Further details of the indecent exposure mentioned in phase 4.
 - 6 6a Second statement from the victim giving details of an ex-boyfriend and of being sent abusive letters some months previously.
 - 6b Report from the owner of the stolen car mentioned in phase 4.
 - 7 7a Criminal record details for victim's ex-boyfriend, for the rapist mentioned in phase 4 and for William Samuels (mentioned in phase 5).
 - 8 8a Statement from a man who had broken down near the scene of the crime and who was working under his car at the time of the attack
 - 8b Statement from the victim's ex-boyfriend denying involvement in the attempted rape.
 - 9 9a Statement from Samuels' daughter mentioning John Simmons, an ex-boyfriend. Details of Simmons' criminal record.
 - 9b Statement from one of Simmons' previous employers.
 - 10 10a Messages received: anonymous denunciation of an individual named Smithers; three eyewitness reports relating to blue vehicles in the area.
 - 10b Statement from Simmons denying involvement in the assault.
 - 10c Second statement from Samuels' daughter, identifying a belt found at the scene of the crime as one she had given Simmons.
 - 11 11a Report that Simmons has been arrested and his house searched with incriminating objects found. Request to for advice on how to proceed.
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Table 2.

Main themes and sub-themes in participants' discussion of the victim

Main theme	Sub-themes
1. Victim as source of information	a. Clarification and corroboration of the victim's account b. False allegations c. Pragmatic investigation d. Victim as a source of forensic evidence
2. Welfare and support	a. Welfare as secondary to the needs of the investigation b. Balancing act